

UNITED STATES DISTRICT COURT
DISTRICT OF SOUTH CAROLINA

Paul Thomason, Jr., #99007-071,)	C/A No. 3:10-51-JFA-JRM
)	
Petitioner,)	
vs.)	
)	ORDER
M.M. Mitchell, Warden of FCI-Edgefield,)	
)	
Respondent.)	
_____)	

The *pro se* petitioner, Paul Thomason, Jr., brings this action pursuant to 28 U.S.C. § 2241 challenging his sentence computation by the Federal Bureau of Prisons.

The respondent filed a motion to dismiss and an order was issued pursuant to *Roseboro v. Garrison*, 528 F.2d 309 (4th Cir. 1975) notifying petitioner of the summary dismissal procedure and possible consequences if he failed to adequately respond to the motion to dismiss. Petitioner responded to the motion.

The Magistrate Judge assigned to this action¹ has prepared a Report and Recommendation wherein he suggests that the respondent's motion to dismiss should be granted because the petitioner has failed to exhaust his administrative remedies. The Report sets forth in detail the relevant facts and standards of law on this matter, and the court

¹ The Magistrate Judge's review is made in accordance with 28 U.S.C. § 636(b)(1)(B) and Local Civil Rule 73.02. The Magistrate Judge makes only a recommendation to this court. The recommendation has no presumptive weight, and the responsibility to make a final determination remains with the court. *Mathews v. Weber*, 423 U.S. 261 (1976). The court is charged with making a *de novo* determination of those portions of the Report to which specific objection is made and the court may accept, reject, or modify, in whole or in part, the recommendation of the Magistrate Judge, or recommit the matter to the Magistrate Judge with instructions. 28 U.S.C. § 636(b)(1).

incorporates such without a recitation.

The petitioner was advised of his right to file objections to the Report and Recommendation which was entered on the docket on October 5, 2010. However, the petitioner did not file any objections within the time limits prescribed. In fact, the copy of the Report mailed to the petitioner was returned to the Clerk of Court on October 14, 2010, marked by the U.S. Postmaster as “Return to Sender, Not Deliverable as Addressed, unable to Forward.” Petitioner was previously made aware by order of the court of his requirement to notify the Clerk in the event his address changed and the possible consequences for failure to so do.

In the absence of specific objections to the Report of the Magistrate Judge, this court is not required to give any explanation for adopting the recommendation. *See Camby v. Davis*, 718 F.2d 198, 199 (4th Cir. 1983).

After a careful review of the record, the applicable law, and the Report and Recommendation, the court finds the Magistrate Judge’s recommendation proper and incorporated herein by reference. Accordingly, the respondent’s motion to dismiss for failure to exhaust administrative remedies is granted.

IT IS SO ORDERED.

October 25, 2010
Columbia, South Carolina

A handwritten signature in black ink, reading "Joseph F. Anderson, Jr." in a cursive script.

Joseph F. Anderson, Jr.
United States District Judge